

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THOMAS C. SHRADER,)	Case No.: 1:21-cv-01229-DJC-CDB (HC)
)	
Petitioner,)	
)	
v.)	
)	<u>ORDER</u>
MERRICK B. GARLAND, <i>et al.</i> ,)	
)	
Respondent.)	
)	
)	
)	
)	
)	

Petitioner, a state prisoner proceeding pro se, filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 22, 2023, the Magistrate Judge filed findings and recommendations herein which were served on all parties, and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. The Petitioner has filed objections to the findings and recommendations.

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The Magistrate Judge's conclusions of law

1 are reviewed de novo. See *Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454
2 (9th Cir. 1983). The Court has reviewed the file and finds the findings and
3 recommendations to be supported by the record and by the Magistrate Judge's
4 analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The Findings and Recommendations issued on May 22, 2023 (Doc. 33)
7 are **ADOPTED** in full.
- 8 2. The petition for writ of habeas corpus (Doc. 17) is **DENIED**.
- 9 3. Petitioner's second motion for summary judgment (Doc. 40) is denied as
10 **MOOT**.
- 11 4. The Court declines to issue the certificate of appealability referenced in
12 28 U.S.C. § 2253 as Petitioner has not made a substantial showing of the denial of a
13 constitutional right, see 28 U.S.C. § 2253(c)(2).
- 14 5. The Clerk of the Court is directed to close the case.

15
16 IT IS SO ORDERED.

17 Dated: **September 30, 2024**


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE